

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
ROBERT C. HYTA
WELLS ST. JOHN, P.S.
601 WEST FIRST STREET
SUITE 1300
SPOKANE, WA 99201-3828

Date of mailing
(day/month/year) 15 AUG 2005

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

PC3-159

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US05/03137

28 January 2005 (28.01.2005)

30 January 2004 (30.01.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): C11D 3/37; C07C 17/00, 19/08, 21/18, 22/08 and US Cl.: 570/123, 125, 126, 127, 138; 510/475, 535

Applicant

PCBU SERVICES, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Brian P. Mruk

Telephone No. (571) 272-1700

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/03137

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/03137

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Inventive step (IS)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Industrial applicability (IA)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO

2. Citations and explanations:

Claims 1-5, 8-15, 18-19, 28-35, 38-40, 42-43, 66-70, 73-75, 85-88, 91-95, 97-98, 104-105, 108, 110-114 and 117-121 lack novelty under PCT Article 33(2) as being anticipated by Knell et al, U.S. Patent No. 3,843,735.

Knell et al, U.S. Patent No. 3,843,735, discloses 3-perfluoroalkyl-1 propenes of the formula $R_fCH_2CH=CH_2$ (see abstract and col. 1, lines 1-5). Specifically, note preparation Example 8, which discloses a compound that meets the requirements of the instant invention. Therefore, instant claims 1-5, 8-15, 18-19, 28-35, 38-40, 42-43, 66-70, 73-75, 85-88, 91-95, 97-98, 104-105, 108, 110-114 and 117-121 are anticipated by Knell et al, U.S. Patent No. 3,843,735.

Claims 1-2, 8-11, 24-25, 30-32, 38-40, 42-43, 45-47, 53, 55, 85, 91-93, 95, 97-98, 100-101, 108, 110-111, 117 and 119-121 lack novelty under PCT Article 33(2) as being anticipated by Krespan et al, U.S. Patent No. 5,504,265.

Krespan et al, U.S. Patent No. 5,504,265, discloses a saturated linear polyfluorohydrocarbon for use in cleaning compositions (see abstract). It is further taught by Krespan et al that suitable polyfluorohydrocarbons include those listed in col. 3, lines 20-67, and that the polyfluorohydrocarbons contain olefins and metal complexes (see col. 7, line 56-col. 8, line 5), per the requirements of the instant invention. Therefore, instant claims 1-2, 8-11, 24-25, 30-32, 38-40, 42-43, 45-47, 53, 55, 85, 91-93, 95, 97-98, 100-101, 108, 110-111, 117 and 119-121 are anticipated by Krespan et al, U.S. Patent No. 5,504,265.

Claims 6-7, 16-17, 20-23, 26-27, 36-37, 41, 44, 48-52, 54, 56-65, 71-72, 76-84, 89-90, 96, 99, 102-103, 106-107, 109 and 115-116 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the specific R_f -monomer compositions required in claims 6-7, 16-17, 20-23, 26-27, 36-37, 41, 44, 48-52, 54, 56-65, 71-72, 76-84, 89-90, 96, 99, 102-103, 106-107, 109 and 115-116.

Claims 1-121 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/03137

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V.I. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 6-7, 16-17, 20-23, 26-27, 36-37, 41, 44, 48-52, 54, 56-65, 71-72, 76-84, 89-90, 96, 99, 102-103, 106-107, 109, 115-116

The opinion as to Novelty was negative (No) with respect to claims 1-5, 8-15, 18-19, 24-25, 28-35, 38-40, 42-43, 45-47, 53, 55, 66-70, 73-75, 85-88, 91-95, 97-98, 100-101, 104-105, 108, 110-114, 117-121

The opinion as to Inventive Step was positive (Yes) with respect to claims 6-7, 16-17, 20-23, 26-27, 36-37, 41, 44, 48-52, 54, 56-65, 71-72, 76-84, 89-90, 96, 99, 102-103, 106-107, 109, 115-116

The opinion as to Inventive Step was negative (NO) with respect to claims 1-5, 8-15, 18-19, 24-25, 28-35, 38-40, 42-43, 45-47, 53, 55, 66-70, 73-75, 85-88, 91-95, 97-98, 100-101, 104-105, 108, 110-114, 117-121

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-121

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE